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TO: United States Patent & Trademark Office **PAGES:** 1 of 3
FROM: David W. Osborne **FACSIMILE NO.:** 1-571-273-8300
DATE: October 11, 2005 **TRANSMITTED BY:** Julia Seargeant
OUR DOCKET NO.: 23625.CON / Application No. 10/764,016

SUBJECT: **STATEMENT OF THE SUBSTANCE OF THE INTERVIEW
UNDER 37 C.F.R. § 1.133(b)**

Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

Transmitted herewith is a STATEMENT OF THE SUBSTANCE OF THE INTERVIEW UNDER 37 C.F.R. § 1.133(b) for Attorney Docket No. 23625.CON, Application No. 10/764,016.

Sincerely,

David W. Osborne
Thorpe North & Western, LLP
Customer No. 20,551
Reg. No. 44,989

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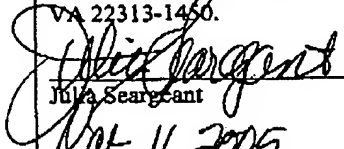
8180 South 700 East • Suite 200 • Sandy, Utah 84070-0562 • 801.566.6633 • f. 801.566.0750 • patlaw@tnw.com U.S. Mailing Address: P.O. Box 1219 • Sandy, Utah 84031-1219

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Attorney Docket No. 23625.CON
Serial No.: 10/764,016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	David Fikstad	CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8 I hereby certify that this correspondence is being facsimile transmitted or deposited with the United States Postal Service as First Class Mail, postage prepaid, under 37 C.F.R. § 1.8 on the date indicated below and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  Julia Seargent Oct 11, 2005 Date of Deposit
SERIAL NO.:	10/764,016	
FILING DATE:	01/23/2004	
FOR:	PHARMACEUTICAL COMPOSITIONS WITH SYNCHRONIZED SOLUBILIZER RELEASE	
ART UNIT:	1614	
EXAMINER:	Leslie Royds	
DOCKET NO.:	23625.CON	

THORPE NORTH & WESTERN, LLP
8180 South 700 East, Suite 200
Sandy, Utah 84070

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW
UNDER 37 C.F.R. § 1.133(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following is the Statement of the Substance of the Interview as required by 37 C.F.R.

1.133(b).

Attorney Docket No. 23625.CON Serial No.: 10/764,016

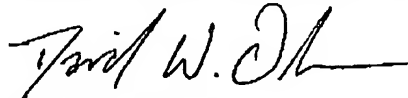
STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Applicants conducted an in-person interview with Examiner Christopher S.F. Low and Examiner Leslie A. Royds on September 12, 2005. Applicant agreed to correct various objections to the claims and the specification, and further agreed to amend the claims in order to obviate 35 U.S.C. 112, second paragraph rejections. Applicant stated that priority had not been claimed back to the Patel patent which was used to reject claims under 35 U.S.C. 102 and 103. Applicants agreed to file a petition to claim late priority to the Petitions Office. Examiners acknowledged that the rejections would stand until the petition has been decided, but that such a priority claim may obviate the rejections, pending no other relevant prior art. Applicants also agreed to file terminal disclaimers in order to obviate the double patenting rejections.

Dated this 11th day of October, 2005.

Respectfully submitted,

THORPE, NORTH & WESTERN, LLP



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